

COMMUNICATION FROM STAFF  
MEMBER OF THE HONORABLE  
DANA ROHRABACHER, MEMBER  
OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Alberto Sandoval, Deputy District Director, Office of the Honorable DANA ROHRABACHER, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
July 6, 2007.

Hon. NANCY PELOSI,  
*Speaker, House of Representatives,*  
*Washington, DC.*

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Superior Court of Orange County, California, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

ALBERTO SANDOVAL,  
*Deputy District Director.*

COMMUNICATION FROM STAFF  
MEMBER OF THE HONORABLE  
DANA ROHRABACHER, MEMBER  
OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Kathleen Hollingsworth, District Director, Office of the Honorable DANA ROHRABACHER, Member of Congress:

JULY 6, 2007.

Hon. NANCY PELOSI,  
*The Speaker, U.S. House of Representatives,*  
*Washington, DC.*

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Superior Court of Orange County, California, for testimony in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

KATHLEEN HOLLINGSWORTH,  
*District Director.*

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 547 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3043.

□ 1148

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related

agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Wednesday, July 18, 2007, amendment No. 31 printed in the CONGRESSIONAL RECORD by the gentleman from Texas (Ms. JACKSON-LEE) had been disposed of and the bill had been read through page 125, line 2.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, as we begin this debate today, I think I ought to take just a moment to explain to the Members of the House where we stand. We have, I believe, 19 amendments still pending to this bill. Four of those amendments will take at least one-half hour and perhaps significantly longer. When you add the slippage time to those debate minutes, if every Member exercises his or her right to offer the amendments that are filed, we could be here for another 8 hours on this bill.

I know Members are trying to catch their planes. I will try to keep my remarks as brief as possible; I would appreciate it if everyone else would do the same. And if there are those Members who could be persuaded to forgo offering an amendment or two, that would be helpful also in terms of any Members who are trying to catch planes. I think that by now we are well aware of what people's philosophical ideas are about this bill, and I would appreciate it if Members could extend enough courtesy to their colleagues so that our colleagues, especially those on the west coast, will be able to make their planes without staying in town overnight.

Mr. WALSH of New York. Madam Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. WALSH of New York. I certainly would like to echo his sentiments regarding the time available to us to complete the bill and the ability of Members to get home.

Let me just offer a modest proposal. There is a unanimous consent request, but I just ask that the authors consider the possibility that there are four across-the-board cuts proposed for the bill different percentage amounts and there is 2 hours allocated for that debate.

Seemingly, 1 hour's worth of debate to determine whether or not there was a majority of votes in the Chamber to cut this bill across the board by 0.25 percent or 4.6 percent, seemingly 1 hour would be enough time to debate as opposed to 2. So that decision has been made, but as the chairman suggested, people may think differently as we move on through the debate about the possibility of spending less time debating those same issues.

AMENDMENT OFFERED BY MR. WESTMORELAND

Mr. WESTMORELAND. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Mr. OBEY. Madam Chairman, I reserve a point of order on the amendment, and I will ask the Clerk to read it.

The CHAIRMAN. A point of order is reserved.

Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. WESTMORELAND:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used by the Department of Education to publish or process the Free Application for Federal Student Aid in a language other than English.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Georgia (Mr. WESTMORELAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. WESTMORELAND. Madam Chairman, when a student decides to go to college, many families gather all their financial records and sit down to fill out the free application for Federal Student Aid, or the FISA, form.

To be eligible to receive Federal student aid, a student must meet certain eligibility requirements. Importantly, one of those requirements is that the student be a U.S. citizen or eligible noncitizen, basically, a legal permanent resident. They also have to have a high school diploma or a GED and be enrolled or accepted at a school that participates in the Federal Student Loan Aid program.

Given these requirements, it would be expected that a citizen or legal permanent resident that is a high school graduate or GED holder and has been accepted as a student at an institution of higher education would be able to complete the FISA in English; however, the U.S. Department of Education clearly does not think so. I have a higher opinion of our education system than that, and I believe a student that meets these eligibility requirements will be proficient enough in English to complete this form in English.

When I learned that this free Federal student application form is available for completion in either English or Spanish, I became concerned that others don't share my opinion of the capabilities of our education system. Even more disturbing is the presumption that the Federal Government would be subsidizing the college education of an individual that does not have the proficiency in English to fill out the form to get free Federal assistance.

So, colleagues, my amendment is simple. It would prevent the Department of Education from providing or

processing the free application for student loan assistance form in any language other than English. With the requirements for obtaining student assistance, it is not an imposition to ensure that our tax dollars go to students that are clearly ready to receive and achieve a college education. I urge my colleagues to support this amendment. Madam Chairman, I reserve the balance of my time.

Mr. OBEY. Madam Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Madam Chairman, I wonder how any of us would like to have our future decided by people we have never met or never even seen on the basis of those people having a 10-minute conversation without our being present. I don't think any of us would like that very much, and yet that is what the gentleman is asking us to do.

The gentleman, in effect, is asking us to pass sentence on 150,000 students who applied for student financial assistance last year using the Spanish version of the application form. Those students would automatically be denied financial aid, with no demonstrable proof that they were illegal aliens, only because they felt more comfortable applying in Spanish.

Now, I want every American—I want every person who comes to this country to learn English. I hope our values are the cement that holds this country together, but I think that English is a great tool to strengthen that cement. But I really would simply suggest that, first of all, this is the wrong venue.

The Appropriations Committee has held no hearings on this matter. So far as I know, the gentleman has held no hearings on this matter. He may have very strong opinions; I do, too. But both of our opinions may be irrelevant when we discover what the facts are. The fact is, if something like this is going to happen, if we are going to make decisions that affect people's career possibilities just for the heck of it, it would be nice if we had thought about it rather than jumped onto the nearest slogan masquerading as an amendment.

So I would strongly urge that this House show a sense of fairness and a sense of restraint and decline to support the gentleman's amendment, at least until we have had hearings in the proper committee. That is the way we would do things if we are concerned with due process, if we are concerned with maximizing fairness rather than scoring political points.

Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Wisconsin withdraw his reservation?

Mr. OBEY. Yes.

Mr. GEORGE MILLER of California. Madam Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Chairman, I would hope that all of our colleagues would oppose this amendment.

The student loan application that is in question here, the criticism of it and the concern with it is not because it is printed in Spanish or English. The real criticism is that it is so complicated that families have an incredibly difficult time in filling out this form. Our committee has been working, Mr. EMANUEL and others have been working, to try to simplify this form to make it useful.

□ 1200

This form has more questions than if you went to the World Bank to get a loan. But to now suggest that a student may be denied access to a loan and the family may be denied access to financial support for that education solely on the basis of whether or not the parents speak English, they fill out the form right and whether or not the form is printed in Spanish, you know the old saying, I'm here from the Federal Government; I'm here to help you. This has nothing to do with the parents' status. Nothing to do with the status. It is a question of whether or not we make some effort to reach out to these individuals to make it easier for them to fill out the forms that are necessary for their young people, their children to go on to college and have the financial resources to do that. The question of whether it's printed in Spanish or not is simply now arbitrary. And as would they, if they don't fill out the form correctly, if they have to do it with their child or somebody else trying to interpret the questions, interpret the answers to them, I think that's incredibly unfair to people who are here in this country. They're here legally, and they don't happen to speak English and they made need this assistance.

What we know about people trying to learn English is that in every city, in every part of this country, where there are classes to teach English, they're oversubscribed, they have waiting lists because these people understand that English is the language of this country. It's the currency of the country, it's the means by which you get ahead in this country, and that's why they want their children to learn English. To now come along and say that we're going to make it more difficult, based upon this characteristic that has nothing to do with your qualifications for the financial assistance, with the qualifications of your child to go to school, what they've accomplished with their lives, I think is outrageous and arbitrary.

I'd like to yield 1 minute to the gentleman from California (Mr. HONDA).

Mr. HONDA. As an educator and a classroom teacher and as a principal of a public school, working with youngsters who come from different language background, I find the amendment quite counterproductive and a barrier. Many parents feel embarrassed that they can't help their youngsters, and

this would only enhance that. If in our system that we're looking to encourage children to go to school and pursue higher education, this would be but a barrier. And I'm sure that you don't want youngsters to be not going to public education system and applying for these kinds of assistance.

I have a thought though. And we have Fortune 500 companies in this country. And I just bought a phone. And in the instruction manuals, the instructions are not only in English but it's also in Spanish, French and German. There must be a reason why Fortune 500s do this. It's about customer satisfaction. And if this government is about satisfying those who are here in this country, who are citizens, who are taxpayers then we should be also looking at this kind of mentality.

Mr. GEORGE MILLER of California. I think the gentleman makes a point. This is about American citizens who are here who are paying taxes, whose children have done well enough to go on to college. They're seeking the financial resources to do that. They may not speak English. And this is a service that we provide to those individuals so that they can accurately fill out a form. They can understand the form, they can understand the liabilities that they're taking on. They can understand the qualifications.

To arbitrarily come along and tell one group of citizens, based upon this question of whether or not they speak English, they will be able to have the same access to these resources as others or not seems to me to be very unfair, very un-American. It promotes a set of values that really aren't consistent with the values in this country. And it really is about whether or not the Federal Government is in the business of looking at the people they're trying to serve as customers, people who should be served.

I would hope that we would oppose this amendment. We continue to struggle to try to make this form comprehensible to those who speak English and understand English. And I think to make it more difficult now for those who don't is a very poor service to that part of American society. And I would urge opposition to this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. WESTMORELAND. Reclaiming my time, I wondered how the other side would answer to this, and quite interesting answers. First of all, this doesn't have anything to do with K-12. And as far as you buying your phone, Mr. Chairman, as far as somebody buying a phone that's got instructions in three or four different languages, they may be sold in different countries. I don't have any idea. But the Federal Government didn't buy that phone for you to use.

Now, here's the thing. We're talking about student aid, free aid going to someone who is fixing to go to college that is a legal resident here, either a citizen or a legal resident. All we're

saying is if you're going to ask the American taxpayers to pay for your financial assistance, that you should be proficient enough in the language of this country to fill out the application. Now, you don't have to be a rocket scientist to figure that out. And we can throw all these other little things in there about the people that won't get to apply and blah, blah, blah, blah, blah. It doesn't matter.

All this amendment says is if you're going to ask the Federal Government to help with financial aid for your college education that we hope you succeed in, and that we want you to excel in, that you can at least speak the language of this country. That's all we're saying.

This is a very simple amendment. There's been so much rhetoric over there. I guess, you know, evidently, they're taking this for something that it's not. Very simple, Mr. Chairman. Very, very simple. Do we want to make sure that our taxpayers' dollars go to students who are legal citizens of this country, who have a GED or a high school education, that are applying for financial aid to go to a college in this country to be proficient enough in English to fill the application out in English? It's very simple.

I won't belabor this. And I know the chairman of the Appropriations Committee is trying to get as many of these amendments out of the way as you can. But I certainly hope that my colleagues, and especially all the colleagues who are interested in protecting the hard taxpayers' dollars of this country, and who are interested in getting as many students financial aid that need it, that have the best opportunity to go forward and succeed in their college education and spend the money wisely, that they would support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. LYNCH). The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WESTMORELAND. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. WELCH of Vermont) assumed the chair.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. LEWIS OF GEORGIA

Mr. LEWIS of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LEWIS of Georgia:

At the end of the bill (before the short title) insert the following:

#### TITLE VI

##### ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to take any action to finalize (or otherwise implement) provisions contained in the proposed rule published on May 3, 2007, on pages 24680 through 25135 of volume 72, Federal Register, insofar as such provisions propose—

(1) to alter payments for services under the hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)) based on use of a Medicare severity diagnosis related group (MS-DRG) system; or

(2) to implement a prospective behavioral offset in response to the implementation of such a Medicare Severity Diagnosis Related Group (MS-DRG) system for purposes of such hospital inpatient prospective payment system.

The Acting CHAIRMAN. Pursuant to the order of the House of Wednesday, July 18, 2007, the gentleman from Georgia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Chairman, I would like to thank my colleagues and friends, PETER WELCH of Vermont and JERRY WELLER from Illinois, for joining me in offering this important amendment.

Mr. Chairman, hospitals need more than just 2 months to change their coding system. It's too much too soon. CMS needs to give them the time they need. In addition, we must not allow CMS to implement this behavior offset.

I've talked to hospitals in my district. They're doing everything right when it comes to coding and charging Medicare. This cut will punish the hospital before they've done anything wrong. 269 Members of the House feel the same way.

Mr. WELLER and I sent a letter to CMS on June 12, along with 267 of our colleagues and 63 Senators urging CMS not to make this \$24 billion cut. Hospitals do not deserve a \$24 billion cut. I ask my colleagues to support this amendment and help our hospitals.

Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Mr. Chairman, I rise in support of this amendment. And first let me thank my colleagues, JOHN LEWIS, PETER WELCH, for

the opportunity to join in bipartisan sponsorship of this amendment.

This amendment prevents the Centers for Medicare and Medicaid Services from cutting \$24 billion in funding for our local hospitals, funding that's used to provide care to seniors disabled under Medicare. In my district alone this would mean a loss of \$60 million in reimbursement for my local hospitals, having a devastating effect on the quality of care.

A key misstep in the proposed rule is the 2.4 percent so-called behavior offset payment cut. CMS proposed this cut to eliminate what the agency has inaccurately claimed will be the effect of greater use of coding as hospitals move to a new system. These extreme cuts in reimbursements, based on speculation rather than fact, will impose an added burden on all hospitals.

Earlier this year my friend and colleague JOHN LEWIS and I circulated a letter in opposition to these Draconian cuts. The response was overwhelming, with 269 Members of this House going on the record against this devastating cut to our local hospitals. This is overwhelming bipartisan opposition to this bad policy proposed by CMS.

Mr. Chairman, I will include this letter in the RECORD in support of this amendment.

The amendment also prohibits CMS from prospectively applying any behavioral offset in fiscal year 2008, ensuring that any adjustments made for coding changes will be based on the actual experiences of the hospital, not mere conjecture.

I ask my colleagues to join us in bipartisan support of this effort to prohibit the use of any funds to implement these Draconian provisions of the IPPS rule that will place hospitals under undue financial burden, compromising the quality of care our constituents deserve.

In order to prevent these local hospitals and protect our constituents, I ask my colleagues to vote in a bipartisan "yes."

CONGRESS OF THE UNITED STATES,

Washington, DC, June 12, 2007.

Re CMS Proposed Inpatient Prospective Payment Rule

Ms. LESLIE V. NORWALK, Esquire,  
Acting Administrator, Centers for Medicare and Medicaid Services (CMS), Washington, DC.

DEAR MS. NORWALK: We write to express our strong opposition to two provisions in the proposed Inpatient Prospective Payment System (IPPS) regulation. We respectfully request that these provisions be excluded from the final regulation.

The first provision would impose a 2.4 percent cut to all operating and capital payments for inpatient hospital services for Medicare patients based on the misguided premise of a so-called "behavioral offset." This unwarranted proposal would result in payment reductions for hospital services in both FY08 and FY09, cutting \$24 billion dollars in operating and capital payments over the next five years.

The second proposal would reduce payments to hospitals in urban areas for capital-related costs for inpatient hospital services, cutting payments by nearly \$1 billion over the next five years. We urge you to eliminate